

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 9, 2018
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Sasser called the meeting to order at 6:32 p.m. Also present were Vice Mayor Elliot Sokolow, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgie gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Mayor Sasser requested an update regarding Item 17a, a quasi-judicial variance request for 4437 West Tradewinds Avenue. He added that immediately following this Item, the Commission will hear Item 16b, which appoints a Commissioner to seat 3.

The following Item was taken out of order on the Agenda.

17. QUASI JUDICIAL PUBLIC HEARINGS

a. Variance Request for 4437 West Tradewinds Avenue (Linda Connors, Development Services Director)

Town Attorney Trevarthen reported that the previous day, the Town received information from the Applicant's attorney regarding the 2015 Ordinance, which changed the rear waterfront setback on properties in the subject zoning district from 15 ft. to 25 ft. The attorney was unable to find a copy of published notice related to the Planning and Zoning Board's recommendation on this Ordinance. The Town's public notice

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requirements changed in 2014 by requiring notice 10 days prior to a Planning and Zoning Board meeting.

Because the notice has not yet been discovered, Town Attorney Trevarthen recommended that Item 17a be deferred until the next scheduled Commission meeting of January 23, 2018. This will allow time to complete the search for the published notice of the Ordinance, as well as to provide an opportunity for neighboring property owners to evaluate and respond to this concern.

At this time Mayor Sasser opened public comment.

Nectaria Chakas, representing the Applicant, advised that her client did not object to the proposed deferral.

John Staszal, resident, asserted that the requested variance should be denied, and insisted that the Town revoke the permits issued in violation of the zoning district's 25 ft. setback requirement. He pointed out that there is no legal basis by which the variance should be granted, as projects are not allowed to create hardships: a hardship must instead be inherent to the property.

Mr. Staszal continued that it should not be necessary to seek judicial reversal of a variance that was wrongfully granted. He observed that waterfront setbacks exist to protect the rights of neighboring property owners and are vital to the preservation of his property value. Granting the variance would compromise waterfront views from his property.

Mr. Staszal concluded that the cost of removing the structure on the Applicant's property is not unreasonable. He felt it was not enough for an Applicant to argue that compliance would be expensive.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Town Attorney Trevarthen advised that Mr. Staszal's comments on the merits of the Application will become part of the record when the Item is addressed again at a later time.

Vice Mayor Sokolow stated that he would not be able to vote upon this Item due to the possible perception of a conflict.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to defer for one week for the Applicant and for the Town to do their due diligence for the following meeting the week after. Motion carried 3-0 (Commissioner Sokolow abstaining).

The following Item was taken out of order on the Agenda.

16. RESOLUTIONS – PUBLIC COMMENTS

- b. Resolution 2018-02 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A TOWN COMMISSIONER TO FILL TOWN COMMISSION SEAT 3 UNTIL THE MARCH 13, 2018 MUNICIPAL ELECTION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

Mayor Sasser explained that after the December 12, 2017 meeting, the Commission accepted applications from individuals who wished to fill the seat vacated by former Vice Mayor Mark Brown. He also noted that the qualification period for this seat for the regular election ended today with a single applicant, Edmund Malkoon, qualifying for this position. This would make Mr. Malkoon the de facto winner of this seat. It was clarified by Town Attorney Trevarthen that the Commission may seat Mr. Malkoon during the temporary period.

Vice Mayor Sokolow agreed that it would be appropriate to seat Mr. Malkoon before he is sworn in after the March election. Commissioner Vincent also felt this appointment would be appropriate. Commissioner Oldaker also agreed with the appointment and thanked all applicants who had sought the position.

At this time Mayor Sasser opened public comment.

John Graziano, resident, stated that he was supportive of both Mr. Malkoon as a Commissioner and of Chuck Clark, who had also applied for the open seat.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to appoint Edmund Malkoon to the remainder of the term until his elected term for seat 3. Motion carried 4-0.

Mr. Malkoon was sworn in at this time and signed the Personal Code of Conduct for the Town Commission.

5. PRESENTATIONS

Mayor Sasser announced that a masquerade ball is scheduled for January 10, 2018, from 7 to 9 p.m. in Jarvis Hall. Admission is free and refreshments will be served.

Mayor Sasser noted that longtime Town resident Lawrence J. McGuinness recently passed away at the age of 97. He extended the Town's sympathies to Pauline Brooks McGuinness and her family and friends. He also wished a speedy recovery to Judy Vik who covers the Town for the *Pompano Pelican*.

a. Update on Sun Trolley's Galt Link and Survey (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Debbie Hime introduced Robyn Chiarelli, Executive Director of the Downtown Fort Lauderdale Transportation Management Association (DFLTMA), which operates the Sun Trolley.

Ms. Chiarelli noted that the Sun Trolley's Galt Link was temporarily discontinued in December 2017. She thanked the Commission for its leadership in bringing this route to the Town by contributing \$25,000 toward the route, as well as Staff time and expertise. Over the past two years, however, ridership on the Galt Link declined to a level that was no longer sustainable. The DFLTMA attempted to address this decline through expanded outreach, marketing, and one-on-one contact, but were ultimately unsuccessful in this effort. The DFLTMA made the decision, in conjunction with the city of Fort Lauderdale and Broward County Transit, to temporarily discontinue this route for 18 months.

A survey is available on the DFLTMA website and mobile app, and Town residents and visitors are encouraged to respond to this survey. Hard copies are available in Town Hall as well. The surveys are an attempt to better understand the market needs of the area. The Florida Department of Transportation (FDOT) has provided a consultant to

review the DFLTMA's entire system and focus on the Galt Link in particular, with an eye toward potential new applications such as on-demand service.

Ms. Chiarelli concluded that the DFLTMA recognizes the need for additional public transportation in Lauderdale-By-The-Sea as well as along the Galt Mile. Preliminary survey results indicate residents are not using the route because driving is more convenient, they are not familiar with the route, or the route does not extend to their destinations.

Special Projects Coordinator Hime thanked the DFLTMA for allowing the Pelican Hopper's mobile app to use the Sun Trolley app as its basis. Ms. Chiarelli added that the Galt Link has not been removed from the app or the website.

b. Florida League of Cities Award Presentation (Steve d'Oliveira, Public Information Officer)

Carol Westmoreland, representing the Florida League of Cities, thanked the Town for its support of this organization. She presented the Commission with the 2017 Florida Municipal Achievement Award in Environmental Stewardship. The award is given in appreciation of environmental education and outreach programs within a municipality.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Mark Brown, resident, recalled that he was appointed by the Commission in summer 2017 to represent the Town at the South Florida Climate Change Conference. He reported that he was greatly impressed by the depth of knowledge represented at the conference, and to learn how many initiatives are underway in Broward County and other South Florida counties to prepare communities to deal with climate change. He recommended that this topic be added to the Town's Strategic Plan for 2018 so specific recommendations can be compiled for Lauderdale-By-The-Sea.

Mr. Brown added that he will attend the upcoming Safe Streets Summit presented by the Broward Metropolitan Planning Organization (MPO), which focuses on reducing the incidence of crashes and creating a safer environment for pedestrians and cyclists. He concluded that he would provide the Commission with a report on what he learns at this summit.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. AMR November Report (Chief Brooke Liddle)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bud Bentley requested that a Chair be appointed for the upcoming 4th of July event.

Commissioner Vincent made a motion, seconded by Vice Mayor Sokolow, to name Commissioner Oldaker as Chair of the 4th of July event. Motion carried 5-0.

Special Projects Coordinator Hime shared recent information provided to TripAdvisor regarding how the Town wishes to be represented on that website, stating that the Town has provided photographs and videos to the site.

Town Manager Bentley noted that the Commission was provided with an attachment showing all property fines of more than \$75,000. The report also identifies properties that will receive final judgments during the month in which the report is submitted. This shows the amount of fines that will no longer be enforceable. An extended report on Code fines will be provided at the second meeting of each month.

Town Manager Bentley concluded that Yoga By The Sea has begun on El Mar Drive, and all residents are invited to participate as the season goes on. Dancing will be held at the pavilion in Connie Hoffman Plaza beginning Sunday, January 14, 2018.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen announced an Executive Session in the case of *Town of Lauderdale-By-The-Sea vs. Danielle Johnson*, Case #CACE16010727.

Commissioner Malkoon asked if appointment to an interim position would affect term limits in any way. Town Attorney Trevarthen replied that as long as service is of more than one year, it counts toward term limits: whether a Commissioner serves for two years or for two years and a number of months, it remains more than one year and therefore does not change the outcome. In 2020, Commissioner Malkoon will be able to run for a full term for his seat.

10. APPROVAL OF MINUTES

- a. December 12, 2017 Reconvene November 28, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**
- b. December 12, 2017 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

11. CONSENT AGENDA

Items 11c and 11f were pulled for additional discussion.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve Items 11a, 11b, 11d, and 11e. Motion carried 5-0.

11.a Purchase of 2018 F-250 Truck (Don Prince, Municipal Services Director)

11.b Purchase of two (2) 2018 Club Car Carryall 710 (LSV) (Don Prince, Municipal Services Director)

11.d Special Event Permit Application for Community Church Ocean Baptism on May 12, 2018 (Debbie Hime, Special Projects Coordinator)

11.e New Three Year Strategic Marketing Plan (Debbie Hime, Special Projects Coordinator)

11.c Hurricane Irma Billing (Don Prince, Municipal Services Director)

Municipal Services Director Don Prince advised that two remaining items for which the Town has not yet been billed are final disposal from both Broward County and Fort Lauderdale. There has been no indication thus far as to when this information will be available.

Vice Mayor Sokolow pointed out that a significant portion of these bills will be reimbursed by the Federal Emergency Management Administration (FEMA) or by the State in the future. Municipal Services Director Prince confirmed this, adding that the Town will meet with its monitoring firm to ensure that all bills reflect appropriate amounts.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to approve 11c. Motion carried 5-0.

11.f Special Event Application for A1A Half Marathon proposed for Sunday, February 18, 2018 (Debbie Hime, Special Projects Coordinator)

Special Projects Coordinator Hime recalled that an Agenda Memo outlining this proposed event was originally presented to the Commissioners the previous week, before Staff was able to have a full meeting with the Applicant. Staff has since met with the Applicant and updated the Agenda Memo to reflect that the event will be run in both inside median lanes on El Mar Drive. Staff has also met with the Broward Sheriff's Office (BSO) to review safety measures related to the event, and BSO is confident the event will be safely and properly run. A full map of the event is available.

Commissioner Vincent asked if all establishments within the affected area of El Mar Drive have been contacted. Special Projects Coordinator Hime explained that Staff was awaiting Commission approval before beginning this outreach. BSO Staff will be present in both median cuts to assist traffic control.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

c. OLD BUSINESS

a. FY 18 Action Plan (Bud Bentley, Town Manager)

Town Manager Bentley stated that prioritization of the fiscal year (FY) 2018 Action Plan can be rescheduled for the spring budget workshop, at which the new Commission will be seated. The Commissioners agreed to this deferral by unanimous consensus.

Mayor Sasser requested that Mr. Brown's comments regarding address of climate change be taken into consideration when the Action Plan is updated. Town Manager Bentley advised that Goal 1.4 refers to proactive address of local sea level rise issues.

d. NEW BUSINESS

None.

e. COMMISSIONER COMMENTS

Commissioner Malkoon thanked residents John Graziano and Chuck Clark for their interest in the interim position, stating that the community would have been well served by either individual. He declared his intent to be responsive, studied, and balanced as a Commissioner.

Commissioner Oldaker stated that he looked forward to working again with BSO, the Volunteer Fire Department (VFD), and American Medical Response (AMR) on the upcoming 4th of July event. He also emphasized the Commission's commitment to transparency.

Mayor Sasser congratulated Commissioner Malkoon and Commissioner-elect Randy Strauss. He continued that he planned to travel to Tallahassee to lobby the State Legislature on behalf of the Town.

Vice Mayor Sokolow congratulated Commissioner Malkoon and Commissioner-elect Strauss, and extended his condolences on the death of Lawrence McGuinness.

Commissioner Vincent stated that the Town has reached the end of an eventful holiday season, and congratulated Commissioner-elect Randy Strauss, who will fill the seat Commissioner Vincent will vacate in March 2018, as well as Commissioner Malkoon. He thanked Mayor Sasser for his service to the Town and reported that he will run for the office of Mayor.

f. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2018-01 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, “ADMINISTRATION,” OF THE TOWN CODE OF ORDINANCES TO PROVIDE THAT SERVICE AS VICE MAYOR FOR UP TO ONE YEAR DOES NOT AFFECT ELIGIBILITY TO SERVE A SUBSEQUENT CONSECUTIVE TERM AS VICE MAYOR; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Town Attorney Trevarthen explained that this Ordinance means service as Vice Mayor for less than one year would not count toward the term limit.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

b. Ordinances 2nd Reading

None.

g. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2018-01 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, STRONGLY OPPOSING THE PASSAGE OF SENATE BILL 574 AND HOUSE BILL 521 WHICH WOULD PREEMPT LOCAL TREE PROTECTION ORDINANCES SUCH AS THOSE CURRENTLY IN PLACE IN THE TOWN; DIRECTING THE TOWN CLERK TO CIRCULATE THE RESOLUTION TO THE FLORIDA LEGISLATURE; PROVIDING AN EFFECTIVE DATE (Susan Trevarthen, Town Attorney)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Vincent stated that there are ambiguities of House Bill (HB) 521 that he may not fully understand. He requested that the Item be deferred to a later meeting after the new Commission has been seated.

Vice Mayor Sokolow advised that he would prefer the Resolution to be passed as soon as possible in order to oppose the State Legislature's attempt to subvert home rule. He felt it should not be postponed past the January 23, 2018 meeting in order to be transmitted while the State Legislature is still in session.

Town Attorney Trevarthen commented that organizations such as the Florida League of Cities typically emphasize the importance of sending Resolutions to the State Legislature as soon as possible. The current session has just opened and will last for approximately two months.

Vice Mayor Sokolow made a motion, seconded by Commissioner Oldaker, to adopt this Resolution as written. Motion carried 5-0.

- c. Resolution 2018-03 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING AND ADOPTING THE BROWARD COUNTY DECEMBER 2017 REVISED MULTI-JURISDICTIONAL ENHANCED LOCAL MITIGATION STRATEGY (Don Prince, Municipal Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 7:52 p.m.

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 9, 2018



Vice Mayor Elliot Sokolow

ATTEST:



Town Clerk Tedra Allen



Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Sokolow Elliot Paul		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Lauderdale-By-The-Sea Town Commission	
MAILING ADDRESS 1430 S Ocean Blvd Apt 10A		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Lauderdale	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 01-09-2018		NAME OF POLITICAL SUBDIVISION: Town of Lauderdale-By-The-Sea	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Elliot Paul Sokolow, hereby disclose that on January 9, 20 18.

(a) A measure came or will come before my agency which (check one)

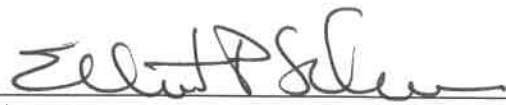
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A variance request for a home under construction at 4437 West Tradewinds Avenue.

The company which I partially own and which employs me is contracted to install the heating & air conditioning systems at the subject home. Additionally, that same company anticipates performing additional jobs for the owner of the property at other residences he builds.

1-11-18
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Mayor Scot Sasser
Commissioner Buz Oldaker
Commissioner Chris Vincent
Zoning Linda Connors

January 5, 2018

**Re: Gordon Property Variance Issue 2017 V 04
4437 West Tradewinds Avenue**

Dear Mayor Sasser, Commissioner Oldaker, Commissioner Vincent and Ms. Connors:

Please be advised that our firm represents Tony and Teri Lurie in the above-referenced variance matter.

My clients reside at 4443 W. Tradewinds Avenue and are the direct neighbors to the above-referenced property. In 2003 my clients purchased their property, specifically due to the location and view of the intercoastal. To date they have enjoyed their property and ownership. Unfortunately, the proposed "overbuilt" construction will interfere and devalue their home significantly.

This letter is to serve as their objection to the proposed construction of the Gordon property for the following reasons:

1. When my clients initially purchased their property, it was premised on a setback which would allow them an unobstructed view of the waterway in all directions. This construction will obstruct not only their view, but every neighboring property.
2. There exist no special conditions and circumstances affecting the land, structure or building involved preventing the reasonable use of said land, structure, or building.
3. The variance effects many properties. Each of the properties affected will have a reduction in value due to the obstruction of the waterway.
4. Denying this variance will not deprive the applicant of a substantial property right that is enjoyed by other property owners. All of the properties adhere to the same setback requirements thereby allowing them all to enjoy the benefits of an unobstructed water view.

My clients rely on the City to protect their property rights and allow them the benefits of their ownership. By allowing larger developments, for no reason, will diminish the value of the real estate market in this area and set a tone that "what you believe you purchase is not what you will enjoy as an owner". In this matter, the reason for the proposed oversized construction does not benefit the city, surrounding properties, nor is it for the safety and



Cheryl-Dene Spring, Esq.
cdspring@sobilaw.com

welfare of the citizens. This construction is purely for the benefit of one owner at the expense of all the other owners.

We respectfully request you deny the variance.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Spring'.

Cheryl-Dene Spring, Esq.
Cc: Anthony and Teri Lurie

Tedra Allen

From: Linda Connors
Sent: Monday, January 08, 2018 7:57 AM
To: Tedra Allen
Subject: FW: Gordon variance 2017 V- 04. The Motivation, Opportunity, Ability
Attachments: D057B63D-1226-4DE9-B44B-1464010DBE7B.png; 8CE7CF4A-F3BA-4067-86E1-643160161028.png; C0A261A4-37EE-4042-B3D3-234206A97A61.png

Please also enter this into the record for tomorrow night's meeting.

Thank you.

From: stephen nagy [snagy10@hotmail.com]
Sent: Monday, January 08, 2018 4:31 AM
To: Scot Sasser; Mark Brown; Buz Oldaker; Chris Vincent; Linda Connors; John S Andrews; jstaszal@hotmail.com; tlurie@aol.com; rbonvie@aol.com; brianv@mvlawpa.com; Linda Connors; Susan Leven; debbie nagy
Subject: Gordon variance 2017 V- 04. The Motivation, Opportunity, Ability

www.kodamiami.com/tradewinds/

Tradewinds Lauderdale by the Sea, FL

www.kodamiami.com

Tradewinds house in Lauderdale by the Sea, Florida. Oceanfront, modern, and simply amazing the two story modern mansion features gorgeous views of the Fort Lauderdale intercostal. Designed by KoDA Miami architect

Lauderdale By the sea Commission members:

Please be advised of the attached website. It is my theory the possible motivation for The Gordon variance is a design which he believes mitigates the bridge noise. The exhibit narrative indicates:

"Located just a few blocks away from an active draw-bridge, the mass of the building was designed as an L-shape in order to shield the noise emanating from the bridge, while allowing for generous outdoor spaces that extend out from the interior."

I believe this noise concern is unfounded. My personal experience is the bridge noise has not been a distraction or concern.

More importantly, the fixation on the bridge noise, shown in this web link, is a possible motivation for the Gordon variance. Building services mistakenly communicated a 15 foot rear yard set back to Mr. Gordon. This error may have been seized as **opportunity** to use the erroneous setback for placement of concrete "mass" further west, between the house and the commercial blvd. bridge. This results in the imposing structure we now see, which blocks waterfront views. Its difficult to believe an experienced waterfront builder did not realize this setback was out of character for intercostal waterfront property.

What is of concern to me is this noise mitigation design plan was not disclosed to the board of adjustment nor the commission anywhere in his application or presentation. It is quite clear from the diagrams the design relinquishes the beautiful view to place a concrete mass westerly between the building and the bridge . The 24" x 36" concrete "mass" column is suspended at the SW corner of the 3 foot projection and is 13 feet into the setback. Unfortunately, this concrete "mass" design, when in the setback, blocks the view of adjacent property owners and looks unsightly.

The discovery of this design motivation is relevant in the context of the variance requested. The applicant claims the mistake is due to the setback statute was not yet codified. We now know it was codified at least a year before permitting. However, it is possible this design is a **motivation** to build as far west as possible. An **opportunity**, was provided by the building services error. Finally the applicant had the **ability** to build fast and now claim the building is done when it is not.

This discovery perhaps explains the unusual persistence for this design and variance. Please enter this communication into the variance record.

Respectfully
Stephen Nagy
4423 W. Tradewinds ave
Lauderdale by the Sea
(954) 816-8089 C
(954) 564-0453 H

Total Control Panel

[Login](#)

To: lindac@lauderdalebythesea-fl.gov
From: snagy10@hotmail.com

You received this message because the sender is on the enterprise allow list. Please contact your administrator to block messages from this sender

KODA

HOME WORK OFFICE ACCOMPLISHMENTS

ARCHITECTURE + INTERIOR DESIGN



TRADEWINDS

LAUDERDALE BY THE SEA, FLORIDA

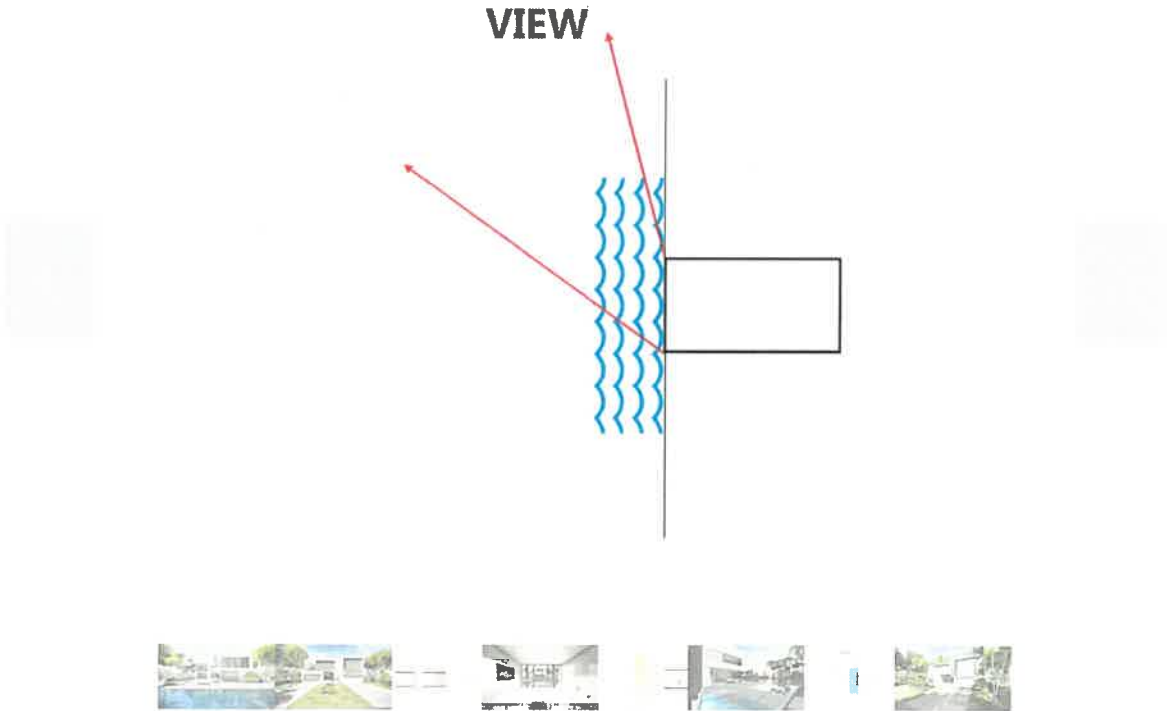
COMPLETION DATE: JANUARY 2018

Inspired by the *Florida Modernists*, this sub-tropical design was born out of a thorough analysis of the surrounding context. Located just a few blocks away from an active draw-bridge, the mass of the building was designed as an L-shape in order to shield the noise emanating from the bridge, while allowing for generous outdoor spaces that extend out from the interior.

The entry is revealed by a composition of framed geometries that provide movement along the front façade and create a layered entry experience. In order to capitalize on the impressive views towards the water and shield the interior spaces from harsh western exposure, a series of

[HOME](#) [WORK](#) [OFFICE](#) [ACCOMPLISHMENTS](#)

ARCHITECTURE + INTERIOR DESIGN



TRADEWINDS

LAUDERDALE BY THE SEA, FLORIDA

COMPLETION DATE: JANUARY 2018

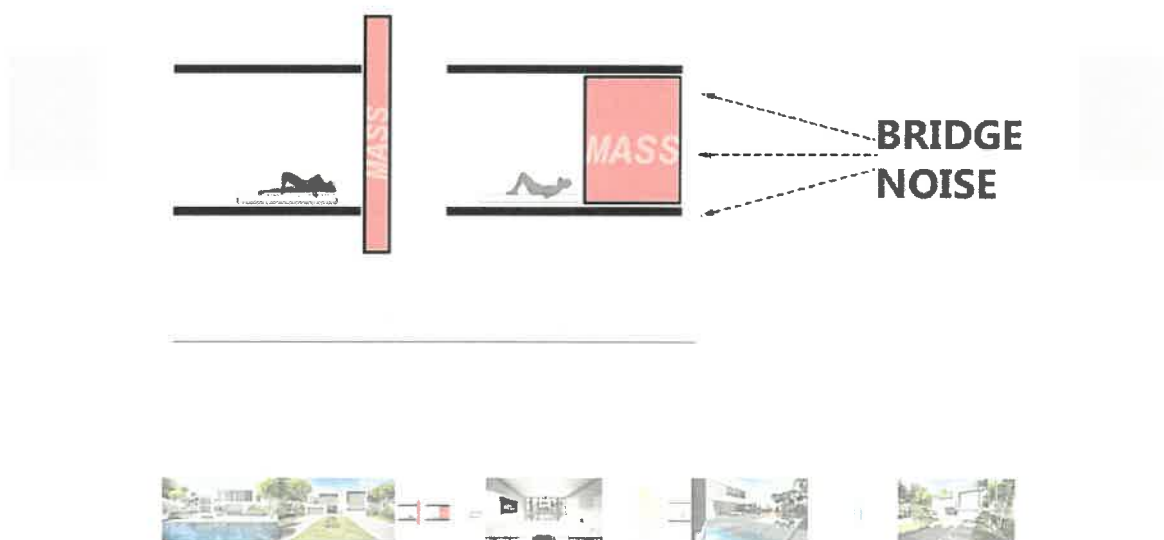
Inspired by the *Florida Modernists*, this sub-tropical design was born out of a thorough analysis of the surrounding context. Located just a few blocks away from an active draw-bridge, the mass of the building was designed as an L-shape in order to shield the noise emanating from the bridge, while allowing for generous outdoor spaces that extend out from the interior.

The entry is revealed by a composition of framed geometries that provide movement along the front façade and create a layered entry experience. In order to capitalize on the impressive views towards the water and shield the interior spaces from harsh western exposure, a series of

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